

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

CHIRAG SHAH,

Plaintiff,

vs.

SOUTHWEST AIRLINES, *et al.*,

Defendants.

Civil Action No. 1:13CV1481 AJT/JFA

**SOUTHWEST’S OBJECTIONS TO PLAINTIFF’S EXHIBITS**

SOUTHWEST AIRLINES CO. (“Southwest”), in accordance with the Court’s Order dated January 17, 2014, objects as follows to exhibits listed on plaintiff’s supplemental Rule 26(a)(3) disclosure:<sup>1</sup>

<b><i>X#</i></b>	<b><i>Description</i></b>	<b><i>Objection(s)</i></b>
1	April 16, 2013 reply email at 10:50 a.m. to Plaintiff from Defendant	N/A
2	April 16, 2013 reply email at 12:31 p.m. to Plaintiff from Lisa Keegan, Southwest Airlines	N/A
3	May 16, 2013 reply email at 3:09 p.m. to Plaintiff from Elizabeth Behrens, Specialist, Customer Advocacy	N/A
4	Phone Notes 213659802352, Bates SWA000001 - SWA000002	Fed. R. Evid. 411 – “sending response reviewed/approved by Bill Ranieri at USAIG” should be redacted prior to admission to remove reference to Southwest’s liability insurer.
5	Flight Operations IR Summary Report, filed by George Cannon, Bates SWA000003-SWA000005	N/A
6	Incident Info IR # 173475, filed by Shannon Ramos, Bates SWA000006-SWA000008	N/A
7	Incident Info, IR # 173349, filed by Regina Paschall, Bates SWA000009-SWA000011	N/A
8	Incident Info, IR # 173343, filed by Ava	Fed. R. Evid. 402, 403 – this is a report

<sup>1</sup> Although titled a “Supplemental” disclosure, Southwest’s counsel understands that this was intended to replace the original filing.

	Alley, Bates SWA000012-SWA000013	completed by a flight attendant with no involvement in the events. Plaintiff wishes to place it before the jury because it refers to “2 middle eastern looking men.” The entirety of the substance is: “I did not witness the event,.. all I knew was that we had aborted take-off from the Captain announcing we had to go back to the gate for a passenger incidence. As soon as we arrived at the gate, & the doors were disarmed, two police persons came aboard and escorted 2 middle eastern looking men off the plane. After some time, we closed the doors and pushed back without them.”
9	Ground Ops MOM Irregularity Report, filed by Ruby Boykin, Bates SWA000014 - SWA000018	N/A
10	IR #042587, Bates SWA000019-SWA000020	N/A
11	Mom Report for Monday April 15, 2013, SWA 000021-SWA000022	N/A
12	Chapter 21, Passenger/Cargo Handling, SWA000023-SWA 000025	Fed. R. Evid. 402, 403 – Everything before “21.6.6 Unacceptable Passengers” should be redacted as irrelevant and potentially confusing. That material deals with passengers smoking on the airplane, which did not happen in this case. <sup>2</sup>
13	Southwest [id.] Airlines Contract of Carriage - Passenger, Sixth Revised, SWA000026-SWA000062	N/A
14	21.6.4 Security Request Guidelines, SWA 000063-SWA000070	N/A
15	Flight Attendant Manual, SWA000071-SWA000082	N/A
16	Training - Inflight Initial Leader’s Guide, SWA000083 - SWA000118	N/A
17	Training - Inflight Initial Training Leader’s Guide, SWA000119 - SWA000198	N/A
18	CIRRUS >> Itinerary, SWA000199 - SWA000200	N/A
19	CIRRUS >> Remark, SWA000201 - SWA000204	N/A
20	Southwest Airlines Flight Operations	N/A

<sup>2</sup> The same document is Southwest’s Exhibit 5, and we will redact it in the same manner for trial.

	Training Manual, SWA000228-SWA000319	
21	Email from Trey Shaw dated April 30, 2013, SWA000320 - SWA000321	N/A
22	Email from Elise May dated April 30, 2013, SWA000324-SWA000325	N/A
23	Email from Ted Thornton dated May 3, 2013, SWA000326-SWA000327	N/A
24	Email from Elizabeth Behrens, dated May16, 2013, SWA000328	N/A
25	Email from Mary Mortensen, dated May 16, 2013, SWA000329 - SWA000331	Fed. R. Evid. 411 – this exhibit includes an email from an attorney at Southwest’s liability insurer, who recommended a minor change to a letter the company sent to the plaintiff.
26	Email from Ruby Boykin dated April 15, 2013, SWA000336-SWA000338	N/A
27	SWA000342 - SWA000345	N/A
28	Chirag Shah’s Resume	Fed. R. Evid. 802
29	Stan Smith’s Report	Fed. R. Evid. 403, 702, 802 and for additional reasons set forth in a motion in limine (Doc. No. 29)
30	Stan Smith’s CV	Fed. R. Evid. 802 and for additional reasons set forth in a motion in limine (Doc. No. 29)
31	Charlotte Bryan’s Report	Fed. R. Evid. 403, 701, 702, 703, 802 and for additional reasons set forth in a motion in limine (Doc. No. 30)
32	Charlotte Bryan’s CV	Fed. R. Evid. 802 and for additional reasons set forth in a motion in limine (Doc. No. 30)
33	Rebuttal Report of Charlotte Bryan	Fed. R. Evid. 802
34	Metropolitan Washington Airports Authority Police Department Airline Incident Report #R201300787	N/A
35	Stipulation of Southwest Finances	Plaintiff offers this exhibit for his punitive damages claim, which Southwest contends is not viable. Southwest anticipates submitting a brief on the subject prior to trial
36	TSA Incident Report issued by Inspector Ray A. Perry (To be provided upon receipt)	Southwest cannot formulate objections without knowing the contents and, therefore, reserves all objections
37	Any other TSA documents received related to this incident responsive to Plaintiff’s FOIA Request (To Be provided upon	Southwest cannot formulate objections without knowing the contents and, therefore, reserves all objections

	receipt)	
38	Any and all deposition transcripts taken in this matter	Southwest objects to any of the deposition transcripts going into evidence on the grounds that they contain inadmissible material and should be shared with the jury in question and answer fashion in open court, if at all
39	Any and all documents identified by Defendant	N/A

Dated: June 30, 2014

Respectfully Submitted,

SOUTHWEST AIRLINES CO.  
By Counsel

SCHNADER HARRISON SEGAL & LEWIS LLP

/s/ Jonathan M. Stern

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this 30th day of June 2014, I filed this set of Objections to Plaintiff's Exhibits using the Court's ECF filing system, which will provide a copy to:

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By: /s/ Jonathan M. Stern

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